

Docket CT-DST-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of SCOUTEN et al

Serial No. 10/036,231

Filed December 24, 2001

Title: STEREOTAXIC MANIPULATOR WITH RETROFITTED LINEAR SCALES
AND DIGITAL DISPLAY DEVICE

AFFIDAVIT OF DOUGLAS L. MARTIN

1. My name is Douglas L. Martin. I'm the President and Chief Executive Officer of Coretech Holdings LLC, the assignee company that owns the above-cited patent application. Through a majority-owned subsidiary company (myNeuroLab), Coretech sells stereotaxic holders for use in research using small animals (mainly rats).

2. The purpose of this affidavit is to document exchanges I personally am aware of between the above-identified Coretech Holdings LLC, and the Stoelting Company, located in Illinois. Stoelting makes and sells stereotaxic holders, in direct competition against the same class of devices made and sold by Coretech.

3. In November 2001, Coretech first publicly displayed and demonstrated a stereotaxic holder having "retrofitted" digital capabilities. As described in the above-cited patent application, this system uses linear scales and electronic reader heads that can be mounted (and even retrofitted) onto a standard, conventional, already-existing stereotaxic holder with a manipulator. By also providing a small and convenient display device containing a microprocessor, software, and a touch-screen panel that can display data, this system offered an important advance in stereotaxic holders, by providing digital capability (accurate to 1 micron) on all three orthogonal axes, in a substantially smaller, more convenient, less

expensive system than had ever previously been available.

4. The first public display of a stereotaxic holder with "retrofitted" digital capabilities occurred at the annual meeting of the Society for Neuroscience, in November 2001. I was at the Coretech booth, at that trade show. I specifically recognized certain employees of the Stoelting company, who visited our booth and carefully examined our digitized stereotaxic manipulator, at that trade show.

5. Roughly five months later, in April 2002, a person who identified himself by his personal name, Dr. Greg Anderson, ordered one of Coretech's digital stereotaxic holders, under the apparently false pretense that he was purchasing it for the University of Kentucky. It was shipped to a University of Kentucky address, to a Dr. Jackie Sampers. That unit was ordered using Greg Anderson's own personal credit card.

6. Unknown to Coretech at that time, but as later discovered, Dr. Anderson and/or the Stoelting company had arranged to purchase that unit, not for the University of Kentucky, but for the Stoelting company. Dr. Sampers (who received the package at the University of Kentucky) forwarded the package, unopened, to Dr. Anderson and/or the Stoelting company.

7. I have had no personal contacts or dealings with Dr. Sampers. However, Coretech's patent attorney contacted her by phone, and spoke directly with her about her involvement. She directly and explicitly stated to Coretech's patent attorney that she was induced to participate by representations to her, made by Stoelting's Dr. Anderson, to the effect that the Stoelting company believed Coretech was wrongfully infringing a patent that belongs to Stoelting, and Stoelting needed to obtain a copy of Coretech's device in order to investigate the matter and correct an injustice that was being committed by Coretech. To the best of my knowledge and belief, if any such claims were made to Dr. Sampers by an employee of Stoelting, such claims were totally false. I know of no patents or patent applications whatever, belonging to Stoelting, on any type of digital stereotaxic manipulator.

8. After that unit was received by Stoelting, someone at Stoelting who had custody of

the unit (this person is believed by me to be, or to at least to include, Henry Farzenah, an engineering manager for the Stoelting company) opened up the unit, disassembled various components of the unit, and examined it carefully. I do not know how many hours he or any other employees of Stoelting spent examining that unit; however, Stoelting had the unit in its possession from April 2002 until early July 2002, which covers at least a two-month span of time.

9. In late June 2002, Coretech's patent attorney sent a letter, on his letterhead stationery, to the Stoelting company, advising them of our patent application and cautioning them about potential infringement.

10. Soon after receiving that letter, Stoelting decided to return the instrument it had purchased. It did so in a surreptitious manner, apparently claiming to act again through the same Dr. Sampers at the University of Kentucky, even though it was later revealed that she had no knowledge that the unit was in fact being returned. The unit was returned by Federal Express, via a shipment order dated July 3, 2002.

11. The letter of return dated July 3, 2002 (copy enclosed as Exhibit 1) is believed to contain an outright forgery, committed by an employee of the Stoelting company. The signature on the letter purports to be the signature of Dr. Jackie Sampers. However, when Dr. Sampers was shown a copy of that letter in April 2005, she directly, explicitly, and unequivocally stated to our attorney that she never sent that letter, and she never signed that letter. After she saw a true copy of the letter, and after she had telephone discussions with Dr. Anderson and possibly one or more additional employees at Stoelting, she clearly, directly, and explicitly stated to Coretech's attorney that the letter contained, in her words, "a forgery".

12. Coretech has asked Dr. Sampers to sign a sworn affidavit, setting forth what happened in her own language, and with her signature. As of this writing, she has declined to do so, apparently because she has a prior existing business relationship with Stoelting (which led to Stoelting asking her to participate with it, in its actions to obtain Coretech's unit). Coretech's attorney is continuing to discuss the matter with her attorney, and I have

been informed by Coretech's attorney that an additional affidavit may be submitted on the subject of the forged signature, in the future.

13. When Coretech received the digital stereotaxic unit that was returned to it in July 2002, it raised questions among our employees, for two reasons:

(a) it was the first such unit that had ever been returned. The letter of return said it did not meet expectations; however, every other person or company that had purchased those units had indicated they were very pleased with the system's ease of use, accuracy, reliability, and other advantages over previously available units; and,

(2) when we inspected the unit that had been returned, it became readily apparent that it had been disassembled, since it had not been reassembled properly, as noted in more detail below.

Therefore, as a matter of both quality control and curiosity, Coretech began looking into why that unit been returned, apparently by the University of Kentucky.

14. When Coretech began inquiring into how and why that unit had been returned, we looked into the Federal Express tracking number. When we did, we learned that the package had actually been shipped from Elk Grove Village, Illinois. I promptly recognized that location as the main business address of Stoelting, one of our main competitors. That discovery clearly indicated that the Stoelting company was involved, and had acted surreptitiously and even deceitfully, going so far as to involve an out-of-state location in an act of false pretense. It turned out that Stoelting had purchased the unit for the sole purpose of examining it. Their only known or apparent reason for doing so was so they could try to make copies of it (that obvious reason is confirmed by the actual chain of events). After they had finished examining it, to see if they could copy it, they were returning it, and they were even asking for a full refund of the purchase price.

15. When Coretech realized what Stoelting had done, we communicated directly with certain persons known to us who work at Stoelting. We informed them that Coretech had looked into the Federal Express tracking number, and we had learned that the unit was actually returned from the Stoelting location, rather than the University of Kentucky. We declined to refund their purchase price.

16. The matter sat silently for a number of months, approaching a year.

Subsequently, a Mr. Mark Cochran, acting openly in behalf of Stoelting, contacted Coretech again and demanded to receive credit for the machine that had been returned. I was surprised and even amused at the boldness and "chutzpah" of his request; our competitor had bought a unit solely for the purpose of disassembling it so they could try to copy it, and now they were trying to return it for full credit, even though they had been informed that Coretech knew what they had done, and knew that the Stoelting company had acted under false pretenses, both in obtaining the unit, and in returning the unit.

17. Regarding the matter of how the unit had been disassembled and had not been reassembled properly, I received a summary, written at the time of the incident, from a Coretech employee who examined the returned unit. I discussed the situation with several employees, and to the best of my knowledge and belief, it was an accurate summary of what Stoelting did to the unit it had obtained under false pretenses:

"the unit was heavily damaged when we got it back, one scale was scratched, and damage to the scale had damaged the read head and the electronics in the display box. The other scale was misaligned and no longer working. Mechanically, the alignment block had twisted, causing mechanical damage to the shaft. It had been returned to us as undamaged, they just didn't like it, returned for credit."

18. In an e-mail dated June 11, 2003 and sent to Dr. Scouten with a copy to me (a copy is enclosed as Exhibit 2), Mark Cochran of Stoelting admitted and conceded that Henry Farzenah of Stoelting (referred to as Henry F. in paragraph 2 of the e-mail) had indeed taken the unit partially apart.

19. In addition, people at Coretech regularly monitor product brochures, mailings, and other materials that are sent to prospective buyers by our competitors, including the Stoelting company. In Stoelting's 2002-2003 product offering, describing stereotaxic holders being sold by Stoelting at that time, there were absolutely no digitized stereotaxic holders. However, a special mailing that was sent out by Stoelting in the second half of 2003, which announced for the first time Stoelting's offering of a digitized stereotaxic manipulator. Their

unit is effectively a "knockoff" copy of the instrument Coretech makes and sells, as described in Coretech's pending patent application, and as examined by Stoelting employees at the November 2001 trade show. The timing of dated product offerings, by Stoelting, makes it clear that Stoelting did not offer any product of that nature, until after one or more employees of Stoelting had obtained and examined the unit that Coretech manufactured and shipped to an employee of Stoelting, who purchased that unit under false pretenses.

20. I am not a patent attorney, and I do not claim any special qualifications to comment on whether something is or is not "obvious" under the legal standards of the patent law. Nevertheless, it appears to me, as a logical person and as someone who actually works in this field, that if the invention created by Coretech was merely "obvious to anyone with ordinary skill in the art", then the Stoelting company should have been able to design and create one, using the skills of its own employees (especially after several Stoelting employees had seen and examined one of Coretech's units, at Coretech's booth at a trade show in November 2001), without having to obtain a copy of one of Coretech's devices so that Stoelting employees could disassemble Coretech's unit and examine it for months.

21. Based on all facts known to me, it appears that the following conclusions are entirely valid, reasonable, and supported, and clearly indicate that Coretech's accomplishments and advances should not be regarded as "obvious to anyone with ordinary skill":

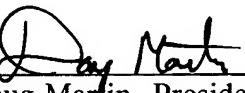
(i) Stoelting employees immediately became specifically and directly interested in Coretech's new digitized stereotaxic holder, from the moment they first saw a copy, sitting in a booth at a trade show, in November 2001. I personally witnessed their actions at that trade show, and I personally attest that they were directly and specifically interested in Coretech's new system, and they examined it as carefully as they could within the constraints of a trade show.

(ii) However, the Stoelting employees who saw and studied Coretech's system at a trade show apparently were not able to copy and duplicate it, even after they had seen it up close and in person. Five months after seeing Coretech's system at a trade show, Stoelting employees apparently felt frustrated by a lack of progress in their own internal efforts, so they decided to actually purchase one of Coretech's devices, at a cost of several thousand

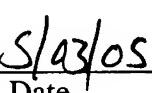
dollars. After using deceit and false pretenses to obtain a copy of Coretech's system, they apparently disassembled Coretech's system (as evidenced by the damage that was done to it), in their shop or labs, so they could study and inspect its components thoroughly.

(iii) Even after Stoelting had purchased, disassembled, and studied an actual working copy of Coretech's device, it still required more than a full year before Stoelting could begin making and selling its own "knockoff" copy of Coretech's device.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



Doug Martin, President
Coretech Holdings LLC
5918 Evergreen Blvd.
St. Louis, MO 63134



Date



Exhibit 1, with
affidavit by Douglas L.
Martin, in Ser. No. 10/036,231

July 3, 2002

MyNeurolab.com
5918 Evergreen Blvd.
St. Louis, MO 63134

To Whom It May Concern:

I am returning the enclosed item for full credit. The Digital Manipulator Arm did not function to our expectations. Payment was made by Gregory Anderson's MasterCard no. ~~XXXXXXXXXXXXXX~~ expiration ~~08/05~~. Please issue the credit against the stated credit card.

Thank you,

Jackie Sampers, Ph.D.
Jackie Sampers, Ph.D.
University of Kentucky
Division of Neonatology
MS 475
800 Rose Street
Lexington, KY 40536-0298

Notes added by Patrick D. Kelly,
USPTO Reg. 30,650, Patent Attorney:

- ① The signature, purportedly by Dr. Jackie Sampers, is believed to be a forgery, as set forth in paragraph 11 of Doug Martin's affidavit.
- ② I obscured + redacted Dr. Anderson's credit card number, to avoid potential misuse.

*Patrick D. Kelly
5/2/05*

Doug Martin

From: Cochran, Mark [Mark@Stoeltingco.com]
Sent: Wednesday, June 11, 2003 5:08 PM
To: Charles W. Scouten, Ph.D.
Cc: Doug Martin
Subject: RE: Digital credit

Chuck:

I was very surprised by your response, we did speak about 6 weeks ago on the phone, at which time you didn't seem to think that what we were asking for was unreasonable. If fact, as you may recall you acknowledged that you also have purchased items for the same purpose and returned them. In reviewing some of our records here, we have seen where a employee of Vibertome has purchased items from us, my guess would be for the same reason.

But here are the simple facts of this issue:

1. The digital unit was purchased by our Dr. Greg Anderson (using his credit card) and the unit was shipped to Ms. Jackie Sampress.
2. We received the unit and Henry F. checked the function of the unit, and then removed the cover of the display and just looked at the unit, he did not dismantle the unit nor did he make any modifications to the unit.
3. We carefully packed the unit in the same shipping container that you provided and shipped it back to you to issue credit.
4. You accepted payment with the credit card, at that point the unit was the property of Dr. Anderson.
5. You then proceeded to sell Dr. Anderson's unit which was not your property.

We are simply asking that you either send us our unit or issue us a full refund.

I am not looking for any sympathy, but what I am looking for is , for you to do the right thing.

This will help to avoid a lengthy legal (expensive) process for both parties.

Cordially,

Mark

-----Original Message-----

From: Charles W. Scouten, Ph.D. [mailto:cwscouten@myneurolab.com]
Sent: Wednesday, June 11, 2003 2:44 PM
To: Cochran, Mark
Cc: Doug Martin; Jim Unnerstall
Subject: RE: Digital credit

I presented this matter to my two partners, after we talked, and again after getting your email. They are noticeably unsympathetic.

The immediate response was that the unit was heavily damaged when we got it back, one scale was scratched, and damage to the scale had damaged the read head and the electronics in the display box. The other scale was misaligned and no longer working. Mechanically,

Exhibit 2, with
Affidavit of Douglas L.
Martin, in

Ser. No. 10/036,231

the alignment block had twisted, causing mechanical damage to the shaft. It had been returned to us as undamaged, they just didn't like it, return for credit.

We spent considerable time trying to diagnose the problem, thought we had it fixed, sent it out to another customer, and got it back after the read head again crossed the scratch that had no business being there.

The shop estimates the cost of repair of this unit as about 85% of the value, given the time spent trying to figure out what was wrong, and then investigating how that could have gone wrong, it required somebody to remove shields and go inside. Then we traced the evidence that it had come back from the Bensenville area and the pieces fell into place.

The customer said they did not want the unit returned to them, so after repair it was sold to another customer. We no longer have it.

The consensus here is that no return credit is warranted or authorized.

Cordially,

Charles W. Scouten, Ph.D.
myNeuroLab.com
5918 Evergreen Blvd.
St. Louis, MO 63134
Ph: 314 522 0300
FAX 314 522 0377
cwsouten@myneurolab.com
www.myneurolab.com

-----Original Message-----

From: Cochran, Mark [mailto:Mark@Stoeltingco.com]
Sent: Wednesday, June 11, 2003 1:54 PM
To: Charles W. Scouten, Ph.D.
Subject: RE: Digital credit

Dear Chuck:

I have called and sent the email below, can you either issue check for the returned item or return the unit.

Regards:

Mark

> -----Original Message-----

> From: Cochran, Mark
> Sent: Thursday, June 05, 2003 9:41 AM
> To: 'cwsouten@myneurolab.com'
> Subject: FW: Digital credit

>

>

>

> -----Original Message-----

> From: Cochran, Mark
> Sent: Thursday, June 05, 2003 9:40 AM
> To: 'mailto:cwsouten@myneurolab.com'
> Subject: Digital credit

>

> Good Morning Chuck:

>

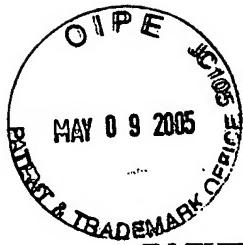
> Can you look into getting us a credit for the myneurolab digital unit
that

> was returned to you?

>

> Hope all is well with you and your family, and have great summer!

>



Docket CT-DST-1

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Application of SCOUTEN et al

Serial No. 10/036,231

Filed December 24, 2001

Title: STEREOTAXIC MANIPULATOR WITH RETROFITTED LINEAR SCALES
AND DIGITAL DISPLAY DEVICE

AFFIDAVIT OF CHARLES SCOUTEN

1. My name is Charles W. Scouten. I'm the President of myNeuroLab, which sells equipment (including stereotaxic holders) for use in neurological research on small animals, mainly rats. I'm also the first-named inventor listed on the patent application cited above. I have a PhD degree from the State University of New York, in Binghamton, and I've been working in the neurological research industry for about 20 years. I'm a part-owner of myNeuroLab, which is also owned by Coretech Holdings LLC, the assignee company that owns the patent application cited above.

2. The purpose of this affidavit is to document a telephone call I received from a certain Grover Albanez, who lives in California. I hereby swear and certify that, to the best of my knowledge and belief: (i) the printout which is attached as Exhibit 1 is a complete, accurate, and unaltered copy of an e-mail I wrote and sent within a few minutes after I received a phone call from Grover Albanez on June 2, 2003; and, (ii) that e-mail contains a valid and accurate summary of what Mr. Albanez actually told me, during the phone call.

Mr. Albanez identified himself as an engineer; therefore, I presume he should be referred to as Mr. Albanez, rather than Dr. Albanez, but I do not know with certainty.

3. The telephone call from Mr. Albanez was entirely unsolicited by me. I had never

previously known or heard of him, and I had no reason to call him. Because of what he told me during that call, I wrote the e-mail in Exhibit 1, immediately after the phone call, and I sent it to the two top officers of Coretech Holdings (Doug Martin, and Jim Unnerstall, both listed as recipients).

4. As stated in my e-mail, and to the best of my knowledge and belief (which is based heavily on what Albanez told me, during his phone call to me), Albanez worked for some period of time (the exact dates are unknown to me) as either an employee or consultant for a company I am familiar with. That company is referred to in the e-mail as "David Kopf"; its full name is David Kopf Instruments. A copy of a product brochure from that company is attached, as Exhibit 2. That company makes and sells stereotaxic holders, in direct competition against the same class of devices made and sold by myNeuroLab and its parent company, Coretech Holdings LLC.

5. The first public display of a stereotaxic holder with "retrofitted" digital capabilities occurred at the annual meeting of the Society for Neuroscience, in November 2001. I was at the Coretech/myNeuroLab booth, at that trade show. I specifically and personally recognized certain employees of both Kopf Instruments, and of the Stoelting company (another competitor in this field), who visited our booth and carefully examined our new digitized stereotaxic manipulator, at that trade show.

6. To the best of my knowledge and belief, Kopf Instruments did indeed first begin selling digitized stereotaxic holders in about May 2003, a date which is consistent with the date set forth in the attached e-mail. I wish to point out that the delay from November 2001 (when Kopf Instruments first saw the Coretech/myNeuroLab digitized device) until May 2003 (believed to be the approximate time when Kopf Instruments first began selling a "knockoff" copy of the digitized unit that Coretech/myNeuroLab began displaying in November 2001) lasted 1.5 years.

7. According to what Mr. Albanez told me, and as stated in the attached e-mail, during the 1.5-year span of time when Kopf Instruments was attempting to mimic and copy the accomplishment of myNeuroLab and Coretech Holdings, Kopf Instruments apparently was not able to accomplish that task through its own efforts, endeavors, and creativity. Therefore, Kopf

Instruments somehow obtained one of the digitized units being sold by myNeuroLab (I presume this was done by having the unit purchased by someone acting under his/her personal name, using the address of a university or other laboratory). As stated in the attached e-mail, after obtaining a copy of the unit being sold by myNeuroLab, Kopf Instruments paid to have someone disassemble it, to study and analyze the parts and find out how they were designed, arranged, and assembled.

8. As an example and illustration of how access to the inner workings of such a system can enable easier copying of the system, I presume and believe that Kopf probably wanted to know the manufacturer's name and part numbers, for any integrated circuits that were installed in the display device, because most integrated circuits have pre-embedded software already burned into the memory components of the integrated circuits. Knowing the details of that type of pre-embedded software can make a design (or copying) process much easier, and much faster. If a researcher at Kopf knew exactly which integrated circuits were used in the myNeuroLab unit, he or she could call the company that manufactures those particular integrated circuits, and ask for detailed technical information on those integrated circuits and the software they contain. Although vendors will not reveal their source code, they will readily provide a listing of any and all mathematical algorithms and functions a particular integrated circuit can perform, because that type of information is essential to purchasers who must choose which integrated circuit to select for a particular use in a particular device that is being designed.

9. Three points that specifically merit attention, since they shed light on the "non-obviousness" of the invention, can be summarized as follows:

(i) it required Kopf Instruments well over a year, before it was able to copy and duplicate the accomplishment of myNeuroLab and Coretech, even after employees of Kopf Instruments were given the chance to inspect an actual working model of the unit being offered and sold by myNeuroLab and Coretech, at a trade show in November 2001;

(ii) even after the employees of Kopf Instruments were able to personally inspect and examine an actual working model of the unit that was being offered by myNeuroLab and Coretech at a trade show, they still were not able to create a "knockoff" copy of that instrument, until after they had obtained an actual copy of the instrument, and were able to disassemble and carefully analyze it, in their labs;

(iii) even after the employees at Kopf Instruments had obtained, disassembled, and inspected an actual copy of the instrument sold by my company, those employees at Kopf Instruments STILL were not able to copy it, and therefore, they had to hire an outside expert who had yet another set of skills (i.e., Mr. Grover Albanez, the person mentioned in the e-mail in Exhibit 1, who called me because he later became unhappy with how he was treated by Kopf Instruments).

10. As an expert who has worked in this field for 20 years, I am personally proud of the fact that it took Kopf Instruments a full year and a half to match what I originally helped create, after they had seen and examined a working copy at a trade show. I'm even more proud of the fact that the experts at Kopf Instruments still couldn't match what I helped create, until after they had obtained an actual working copy of my system and had disassembled it, to see exactly how I did what I did, and to find out the specific part numbers and wiring arrangements for the internal electronics. And, I'm proud of the fact that the experts at Kopf Instruments STILL could not duplicate what I helped create, even after they had taken it apart and had studied it carefully, until after they had hired yet another outside expert with an additional set of skills. If imitation is the sincerest form of flattery, those facts offer a very flattering testimonial to what I, and my coworkers at myNeuroLab and Coretech, were able to actually create, through our own efforts and creativity.

11. I'm not a patent expert or an attorney. However, as an inventor, I have discussed the legal standards of patentability and "non-obviousness" with my patent attorney, and he has advised me that the patentability of this invention hinges on whether this invention would be merely "obvious" to someone skilled in the art. As one who is skilled in this particular art, I believe the facts set forth above provide strong and even compelling evidence that what was accomplished by myself, and my coworkers at myNeuroLab and Coretech, was not "obvious to anyone skilled in the art". It required a year and a half before other skilled experts could duplicate what they had already seen; and, even after the experts at Kopf had seen and examined a working copy at a trade show, they could not create their own "knockoff copy" until after they had bought one of the units I helped create, and had hired an additional outside consulting specialist to take it apart and inspect its inner workings. In my opinion, those facts offer undeniable and compelling

evidence of what lawyers and patent experts would call "non-obviousness".

12. Finally, I hereby note that Patrick D. Kelly, who is listed as a recipient of my e-mail in Exhibit 1, is the patent attorney of record in the above-cited patent application. His name is listed because he did in fact receive a copy of that e-mail from me. However, this disclosure of an e-mail, a copy of which was sent to him, is not intended in any way as a waiver or surrender of any attorney-client privileges or confidentiality obligations between Mr. Kelly and myself or any of the other recipients. I also hereby note that Drew Mehta, the other named recipient of the e-mail, is another employee of Coretech Holdings.

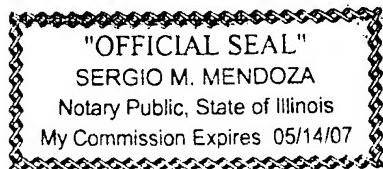
I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Charles Scouten
Dr. Charles W. Scouten
myNeuroLab LLC
5939 Janes Avenue
Downers Grove, IL 60516

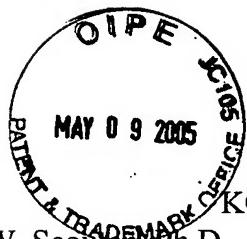
Apr 29, 2005

STATE OF IL : SS
COUNTY OF DuPage :

On this 29 day of April 1 2005, before me personally appeared CHARLES W. SCOUTEN, to me known to be the person described in the foregoing document, who executed this document as his free act and deed. In witness thereof, I have hereunto set my hand and affixed my notarial seal the day and year last above written.



Sergio M. Mendoza
Notary Public



KOPF-ALBANEZ-EMAIL-2003.txt

From: Charles W. Scouten, Ph.D.
Sent: Monday, June 02, 2003 12:30 PM
To: Doug Martin; Jim Unnerstall; 'Patrick D. Kelly, St. Louis'
Cc: Drew N. Mehta
Subject: Digital Stereotaxic Patent

Exhibit 1 with
Charles Scouten
affidavit,
Ser. No. 10/036,231

I just had a call from a disgruntled former employee of David Kopf. Grover Albanez, at 818 352 7977. His job involved reverse engineering one of our stereotaxis, which is now complete. They had acquired one of our units, reverse engineered the whole thing, and are now selling it. They shipped 4 units last month. He was aware we mentioned patent pending.

The employee wanted us to know he would participate if we wanted to sue. I told him the patent was pending, that we would have to await the outcome, took his name and phone number and thanked him for his help.

I doubt we will end up in court, or make use of this in that way, but maybe we could hire him to help reverse engineer the better, smoother "feel" of the Kopf. Can we make any other use of this situation?

Cordially,

Charles W. Scouten, Ph.D.
myNeuroLab.com
5918 Evergreen Blvd.
St. Louis, MO 63134
Ph: 314 522 0300
FAX 314 522 0377
cwscouten@myneurolab.com
www.myneurolab.com